

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DUANE R. LONGENECKER,

Plaintiff,

No. CV 01-1685-MO
ORDER

v.

DAVID S. COOK, et al.,

Defendants.

MOSMAN, J.,

On June 9, 2004, the court entered an order dismissing this case without prejudice for failure to exhaust administrative remedies (#91). A corresponding judgment was entered on June 14, 2004 (#92). Absent from those documents was the clarification that Mr. Longenecker was granted leave to reopen this case once he exhausted his remedies. Under the authority of Fed. R. Civ. P. 60(a), the court directs the clerk of the court to correct this clerical error and specify such leave was granted.

After exhausting his administrative remedies, Mr. Longenecker filed a third amended complaint in this case (#94), but as a result of the error just identified, his amended complaint was struck and he was directed to file a new action (#97). Thereafter, Mr. Longenecker filed *Longenecker v. Williams*, CV05-1479-MO. As the error the court's action was based on has now been remedied, the clerk of the court is further directed to reopen the present case and dismiss

CV05-1479-MO. Mr. Longenecker is directed to file an amended complaint in this original action no later than 30 days from the date of this order.

IT IS SO ORDERED.

DATED this 10th day of May, 2006.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court